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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,672	04/11/2005	William Peze	160.002	1607
38245 7590 03/04/2010 JEROME D. JACKSON (JACKSON PATENT LAW OFFICE) 211 N. UNION STREET, SUITE 100 ALEXANDRIA, VA 22314				
EXAMINER				
PHAN, JOSEPH T				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
03/04/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,672

Applicant(s)

PEZE, WILLIAM

Examiner

JOSEPH T. PHAN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 3, 6, 10, 11 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 6, 10, 11 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-3, 6, 10-11, and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 11, and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 lines 1-2 recites "...with a portable apparatus including a housing including a first face, and a second face" which is unclear if the portable apparatus or housing includes a first and second face.

Claims 6, 11, and 16 lines 2-3 recites "...a second face opposite the first face, the second face facing away from the first face.." which is unclear and confusing as the terms "opposite" and "facing away" are similar but are grammatically separated to insinuate different meanings which causes confusion. The phrase 'facing away' is also unclear when used with the second and first face as it gives the limitations a confusing human quality.

Claims 6, 11, and 16 lines 11-12 recites "...responsive to the microphone" which is unclear as it is not known how 'storing a voice message' is responsive to the microphone.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 6, 10-11, and 15-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bellomo et al., Patent #6,504,908 in view of Grandbert et al., Patent #5,764,760.

Regarding claims 6, 11, and 16 Bellomo teaches a portable apparatus and method for operating with a portable apparatus including a housing including a first face; a button on the first face (40/50 Fig.1A), a speaker, a set of buttons, a microphone(Fig.1A); the method comprising:

storing a voice message in the apparatus, responsive to the microphone(col.3 lines 16-26);

a clock that stores a date and time in the apparatus responsive to the activation of the set of buttons, and associating the date and time with the voice message(col.3 lines 4-17);

running a clock in the apparatus and responsive to the clock, emitting an audio signal at the date and time stored in the storing step responsive to the clock(12 Fig.1A, col.6 lines 1-17, and line 66-col.7 line 5); and subsequently responsive to activation of the button, sending the voice

message to the speaker(col.6 lines 2-25).

Bellomo does not expressly disclose a screen.

Grandbert discloses a screen(3 and 13 Fig.1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Bellomo's invention to include a screen as in Grandbert's wireless phone(Fig.1 and col.2 lines 13-24).

One of ordinary skill in the art would have been motivated to do so as Bellomo discloses that his reminder phone can be realized as a wireless/cellular phone(col.3 lines 21-24) and wireless phones were well-known to have screens indicating the date and time. Incorporating a wireless phone would allow the user to move about freely as disclosed by Bellomo(col.3 lines 24-26).

It is further noted that official notice is taken that at the time the invention was made, it would have been obvious to one skilled in the art to modify the arrangement of buttons and screen in Bellomo in view of Grandbert's wireless phone. One would be motivated to do so as this would merely be a design choice as insinuated by Bellomo (col.3 lines 22-26) since wireless and cellular phones were old and well-known to have multiple arrangements of buttons and screens on two faces.

Regarding claim 2, Bellomo in view of Grandbert teaches the apparatus according to claim 1, characterized in that it comprises a telephonic receiver enabling programming remotely by means of a telephone with an access code(*Bellomo col.2 line 65-col.3 line 3; access code is needed to program and could be simply the telephone number of the reminder phone*).

Regarding claim 3, Bellomo in view of Grandbert teaches the apparatus according to

claim 1, characterized in that it has an SOS key activating playing of basic information about its owner and the persons to inform in case of accident(*col.6 lines 1-10 and lines 36-44; reset key is an SOS key to provide basic medication information of the owner*).

Regarding claim 10, Bellomo in view of Grandbert teaches the method of claim 6 wherein the apparatus further includes a telephonic receiver, and the step of storing a date and time includes using the telephonic receiver(*col.3 lines 21-23*).

Regarding claim 15, Bellomo in view of Grandbert teaches the apparatus of claim 10 wherein the apparatus further includes a telephonic receiver, wherein the means for storing a date and time includes uses the telephonic receiver(*col.3 lines 21-23*).

Regarding claims 17-20, Bellomo in view of Grandbert teaches the apparatus of claims 11 and 16 comprising a microphone and a cover for the set of buttons(*Grandbert 12 Fig.7B*).

Bellomo in view of Grandbert does not expressly disclose wherein the apparatus does not include a cover for the button on the first face.

Official notice is taken that at the time the invention was made, it would have been obvious to one skilled in the art to modify Bellomo in view of Grandbert to not include a cover for the button on the first face. One would be motivated to do so as this would merely be a design choice as insinuated by Bellomo (*col.3 lines 22-26*) since wireless and cellular phones were old and well-known to have one cover for the set of buttons on one face and no cover for a button on the other side.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Primary Examiner, Art Unit 2614